



City of NORFOLK

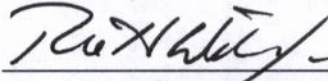
C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

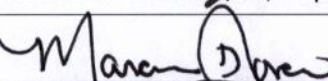
September 15, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Zoning Text Amendment to repeal section 11-42, "Green Gifford Localized Sign Overlay District" and change of zoning from C-4 (Large Scale Commercial) district to conditional C-2 (Corridor Commercial) district at 6420-6440 and 6506 North Military Highway – Noah Bachow**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved: 
Marcus D. Jones, City Manager

Item Number: **PH-2**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Zoning Text Amendment to repeal section 11-42, "Green Gifford Localized Sign Overlay District" and change of zoning from C-4 (Large Scale Commercial) to conditional C-2 (Corridor Commercial)
- IV. **Applicant:** Noah Bachow
- V. **Description:**
 - This request includes a zoning text amendment to repeal the Green Gifford Localized Sign Overlay District and a conditional change of zoning to allow for the development of a 36,169 square-foot grocery store.
 - The properties are located along the North Military Highway corridor, near the intersection of North Military Highway and Longdale Drive, within the Lake Whitehurst West neighborhood.
 - This site currently consists of three structures that have most recently been occupied by Green Gifford Motor Corporation and Auto Point, two automobile sales and service establishments, as well as auto repair and car rental uses.
 - All of the buildings will be demolished.
 - The site will be developed with a grocery store and a second commercial use.

Staff point of contact: Chris Whitney at 823-1253, chris.whitney@norfolk.gov

Attachments:

- Staff Report to CPC dated August 27, 2015 with attachments
- Proponents and Opponents
- Ordinance



Planning Commission Public Hearing: **August 27, 2015**

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Whitney, CFM

Staff Report	Item No. 4		
Address	6420-6440 and 6506 North Military Highway		
Applicant	Noah Bachow		
Requests	Zoning Text Amendment to repeal section 11-42, "Green Gifford Localized Sign Overlay District"		
	Conditional Change of Zoning		
Property Owner	Michael Furchtenicht		
Site Characteristics	Site/Building Area	6.18 acres/36,169 sq. ft. (proposed building)	
	Zoning	From: C-4 (Large Scale Commercial) district and Green Gifford Localized Sign Overlay District	To: conditional C-2 (Corridor Commercial) district
	Neighborhood	Lake Whitehurst West	
	Character District	Suburban	
Surrounding Area	North	R-14 (High Density Multi-Family): Elite Apartments; R-6 (Single-Family): single-family home	
	East	R-6: single-family homes	
	South	C-4: Trimax Auto Group car sales	
	West	PCPD-R (Park Crescent Residential Planned Development District): Park Crescent apartments	



A. Summary of Request

This request includes a zoning text amendment to repeal the Green Gifford Localized Sign Overlay District and a conditional change of zoning to allow for the development of a 36,169 square-foot grocery store.

B. Plan Consistency

Change of Zoning

- The proposed change of zoning is consistent with *plaNorfolk2030*, which designates this site as commercial.
- The *Comprehensive Plan for the Military Highway Corridor District* calls for the installation of landscape treatments along the corridor to upgrade its image and appearance.
 - The plan recommends the installation of street trees or similar landscaping along the North Military Highway frontage.
- To be fully consistent with *plaNorfolk2030*, a condition should be included requiring the installation of street trees or similar landscaping along the North Military Highway frontage.

C. Zoning Analysis

i. General

- The properties are located along the North Military Highway corridor, near the intersection of North Military Highway and Longdale Drive, within the Lake Whitehurst West neighborhood.
- This site currently consists of three structures that have most recently been occupied by Green Gifford Motor Corporation and Auto Point, two automobile sales and service establishments, as well as auto repair and car rental uses.
 - All of the buildings will be demolished.
- The site will be developed with a grocery store and a second commercial use.
- This site is currently zoned C-4, which does not permit a grocery store.
 - The applicant proposes to change the zoning to conditional C-2 in order to allow this use.
- The site is surrounded by commercial uses to the south and residential uses to the north and east.
 - The applicant is proposing to provide landscape buffering between the site and the adjacent apartments to the north and the single-family homes to the east.

ii. Parking

- The proposed site plan shows sufficient parking to accommodate the new grocery store.
- The City's Site Plan Review process will ensure that the location and amount of parking meets *Zoning Ordinance* requirements.

iii. Flood Zone

The properties are in the X (Low to Moderate) Flood Zone, which is a low risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 3,335 new vehicle trips per day.
- Based upon ITE data, the prior automobile sales use on this site would be expected to generate 363 weekday trips while the proposed new grocery store use would be expected to generate 3,698 trips on weekdays.
- Military Highway adjacent to the site is not identified as a severely congested corridor in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit services with Hampton Roads Transit bus route 15 (Military Hwy) operating adjacent to the site.

E. Impact on the Environment

- The new grocery store will undergo the Site Plan Review process, which will ensure compliance with all standards set forth in the *Zoning Ordinance* including landscape buffer areas and stormwater impacts.
- Since July 1, 2014 eight calls for service have been made to the Norfolk Police Department with no arrests made.

F. Impact on Surrounding Area/Site

The development of a new grocery store at this site should not have an adverse impact on the surrounding neighborhood, which includes single-family and multi-family uses, if appropriate landscape buffering is installed between these uses and the building and parking lot.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

Notice was sent to the Lake Whitehurst West Civic League on July 15.

I. Communication Outreach/Notification

- Legal notice was posted on the property on July 14.
- Letters were mailed to all property owners within 300 feet of the property on August 14.
- Legal notification was placed in *The Virginian-Pilot* on August 13 and August 20.

J. Recommendation

Staff recommends that the text amendment and rezoning requests be **approved** subject to the conditions listed below:

Proffered Conditions

- (a) The site shall be developed substantially in accordance with the conceptual site plan attached hereto and marked "Exhibit A," as prepared by Kimley-Horn, dated July 10, 2015, subject to any required revisions made during the City's Site Plan Review and building permit plan review processes.
- (b) The site shall be developed to substantially reflect the general massing, materials, fenestration and design elements for the north, south, east and west side of the building as shown in the elevations entitled "MGP Prototype Exterior Elevations," prepared by HBA Architecture and Interior Design, Inc., attached hereto and marked as "Exhibit B," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.
- (c) Street trees or similar landscaping shall be installed along the North Military Highway frontage.
- (d) The building shall meet a minimum fenestration requirement (area of ground floor façade that is transparent to a minimum depth of 5 feet into the building) of 40% for the North Military Highway façade, where the primary access is located.
- (e) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the *Zoning Ordinance of the City of Norfolk*, 1992 (as amended), no less than 70% of the glass areas of the ground floor of the building shall be transparent as defined within the *Zoning Ordinance*.
- (f) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the proposed building.
- (g) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

Attachments

Location map
Zoning map
Application
Elevations
Notice to the Lake Whitehurst West Civic League

Proponents and Opponents

Proponents

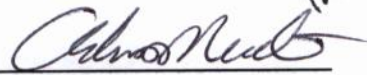
Randy Royal – Representative
4500 Main Street
Virginia Beach, VA 23462

Opponents

None

8/25/2015 lds

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved: CW

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO REPEAL SECTION 11-42 OF THE ZONING ORDINANCE OF THE CITY OF NORFOLK, 1992, ENTITLED "GREEN GIFFORD LOCALIZED SIGN OVERLAY DISTRICT."

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 11-42 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Green Gifford Localized Sign Overlay District" is hereby repealed.

Section 2:- The Council hereby finds that this repeal is required by public necessity, convenience, general welfare, or good zoning practice.

Section 3:- That this ordinance shall be in effect from the date of its adoption.

Form and Correctness Approved: 

Contents Approved: CW

By 

Office of the City Attorney

By 

DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO REZONE PROPERTIES LOCATED AT 6420, 6424, 6440 AND 6506 NORTH MILITARY HIGHWAY FROM C-4 (LARGE SCALE COMMERCIAL) DISTRICT AND GREEN GIFFORD LOCALIZED SIGN OVERLAY DISTRICT TO CONDITIONAL C-2 (CORRIDOR COMMERCIAL) DISTRICT

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the properties located at 6420, 6424, 6440 and 6506 North Military Highway are hereby rezoned from C-4 (Large Scale Commercial) District and Green Gifford Localized Sign Overlay District to Conditional C-2 (Corridor Commercial) District. The property which is the subject of this rezoning is more fully described as follows:

Properties fronting 643 feet, more or less, along the eastern line of North Military Highway beginning 125 feet, more or less, from the northern line of Meadow Lake Drive and extending northwardly; premises numbered 6420, 6424, 6440 and 6506 North Military Highway.

Section 2:- That the property rezoned by this ordinance shall be subject to the following conditions:

- (a) The site shall be developed substantially in accordance with the conceptual site plan prepared by Kimley-Horn, dated July 10, 2015, attached hereto and marked "Exhibit A," subject to any revisions required by the City during the Site Plan Review and building permit plan review processes.
- (b) The site shall be developed to substantially reflect the general massing, materials, fenestration and design elements for the north, south, east and west sides of the building as shown in the elevations entitled "MGP Prototype, Exterior Elevations" prepared by HBA Architecture & Interior Design, Inc., attached hereto and marked as

"Exhibit B," subject to any revisions required by the City during the Site Plan Review and building permit plan review processes.

- (c) Street trees or similar landscaping shall be installed along the North Military Highway frontage.
- (d) The building shall meet a minimum fenestration requirement (area of ground floor façade that is transparent to a minimum depth of 5 feet into the building) of 40% for the North Military Highway façade, where the primary access is located.
- (e) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 70% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.
- (f) All dumpsters shall be gated, shall not be visible from any public right-of-way, and shall be screened with masonry walls that complement the proposed building.
- (g) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

Section 3:- That the official Zoning Map for the City of Norfolk is hereby amended and reordained so as to reflect this rezoning.

Section 4:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

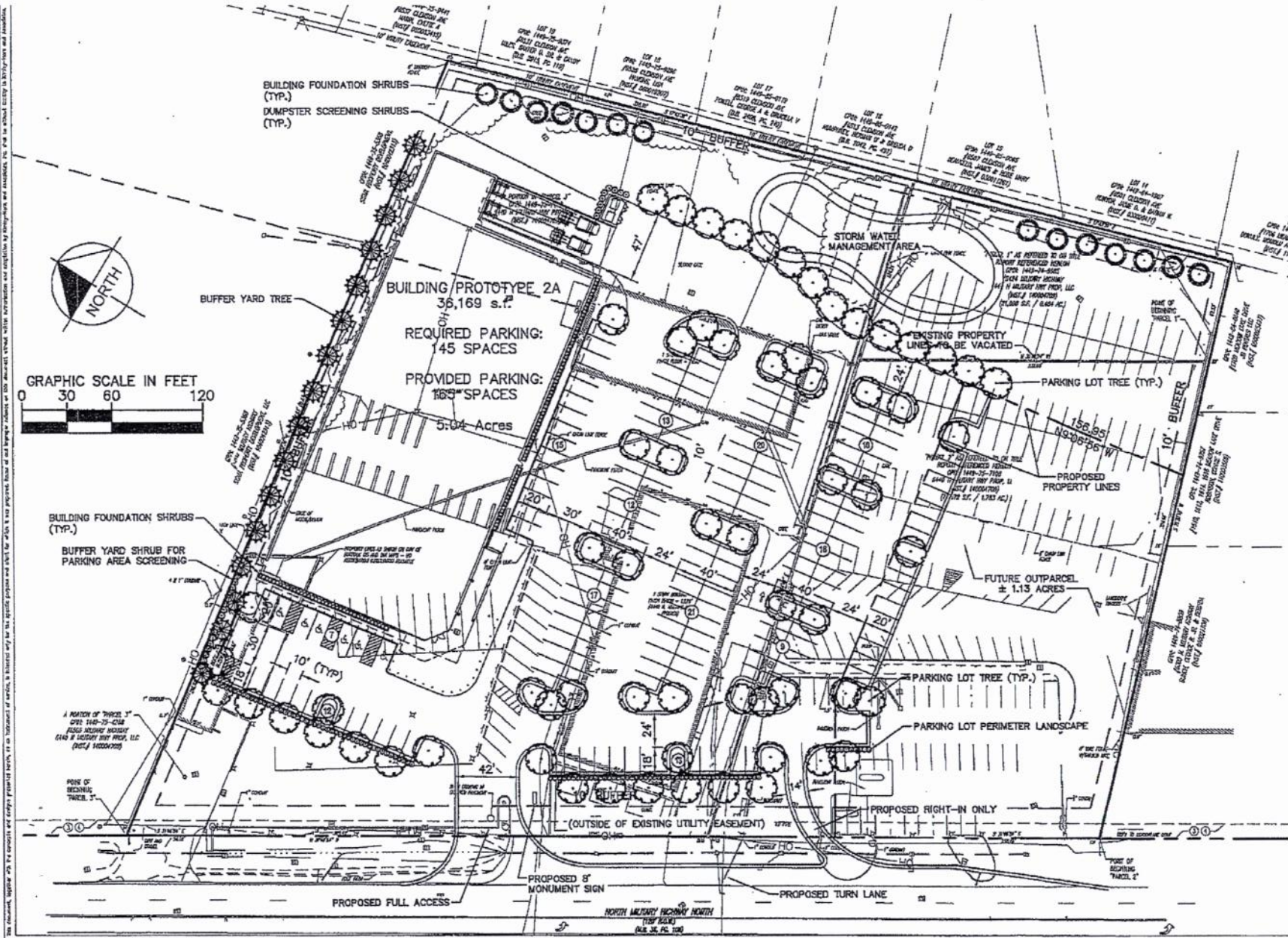
Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (1 page)

Exhibit B (1 page)

Exhibit A



Drafting email H:\PROJ\15638008 - H Military Hwy\CDOD\Bridges\CSA Plan D&B\Det Log.txt Jul 12, 2015 0:19pm by jason@ch2m

Kimley»Horn

4300 MAIN STREET, SUITE 500, NARCONA BEACH, VA 22462
PHONE: 757-213-8400 FAX: 757-213-1401

FOR
REVIEW
ONLY

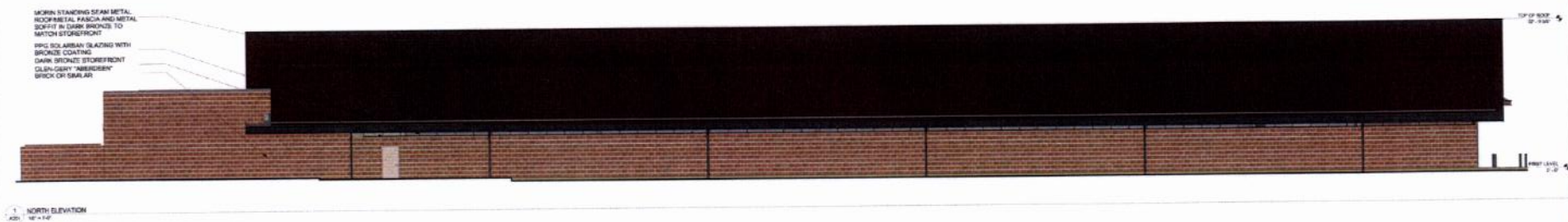
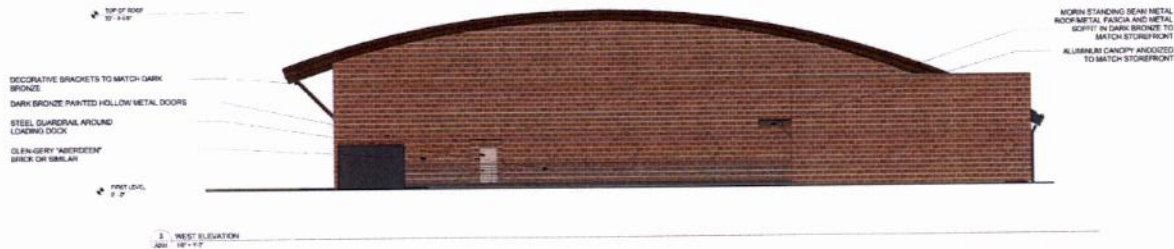
KHA PROJECT
DATE 07.10.2015
SCALE AS SHOWN
DESIGNED BY ASW
Checked By: <i>asw</i>

**SITE PLAN
REZONING**

NORFOLK, VA
N. MILITARY HIGHWAY

SHEET NUMBER

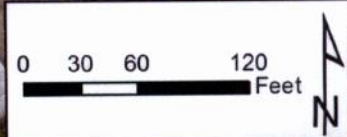
Exhibit B



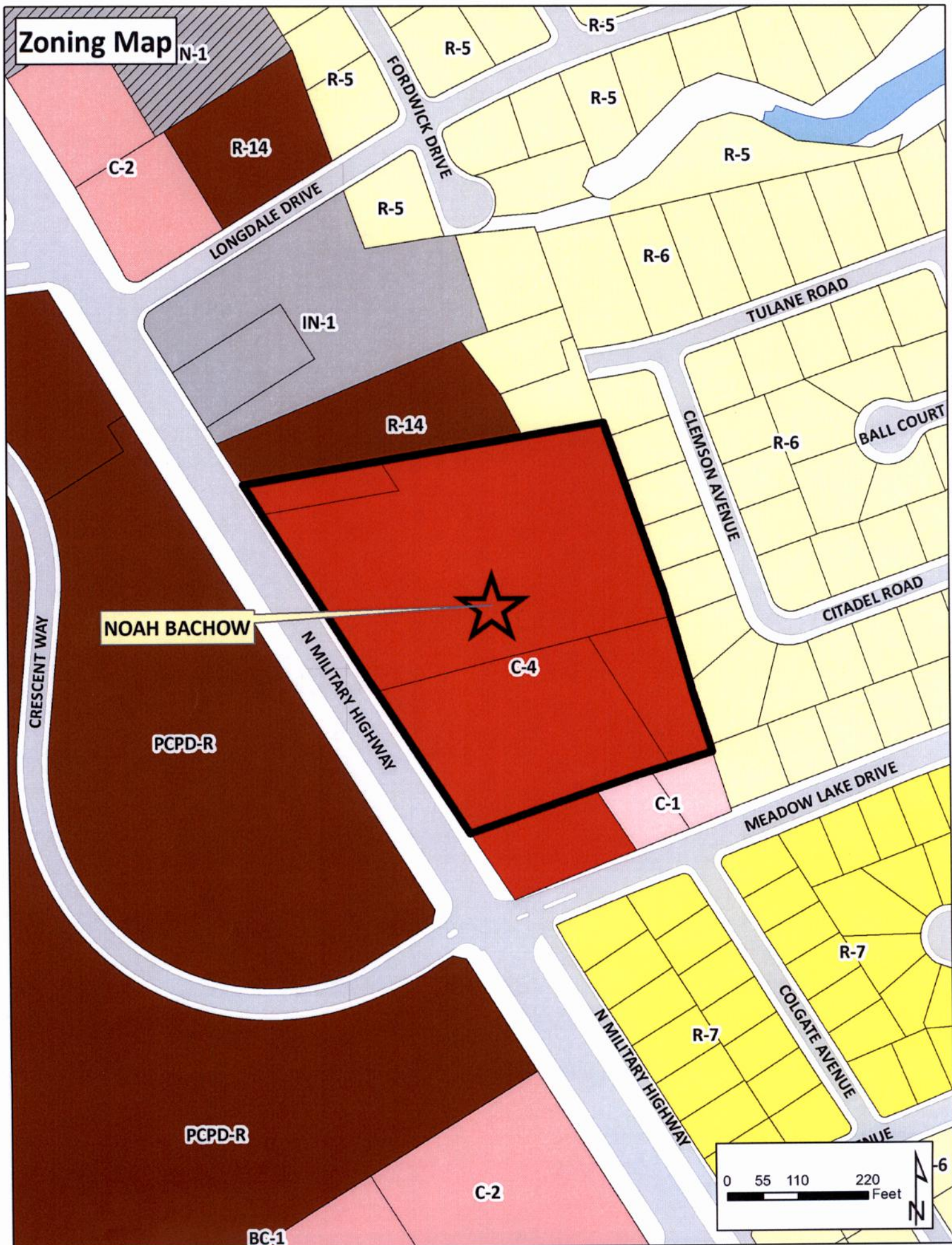
Location Map



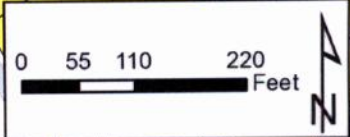
NOAH BACHOW



Zoning Map



NOAH BACHOW





APPLICATION CONDITIONAL CHANGE OF ZONING

Date of application: 7/13/15

Conditional Change of Zoning

From: C-4 Zoning To: Conditional C-2 Zoning
*+ Green Gifford
LASO*

DESCRIPTION OF PROPERTY

Property location: (Street Number) Multiple (Street Name) North Military Highway

Four Parcels: 6440, 6506, 6420 & 6424 North Military Highway

Existing Use of Property: Car Dealership and Service Center

Current Building Square Footage 2000+28994=30994

Proposed Use Grocery Store

Proposed Building Square Footage 36,169

Trade Name of Business (If applicable)

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Bachow (First) Noah (MI) R

Mailing address of applicant (Street/P.O. Box): 3033 Wilson Blvd., Suite 700

(City) Arlington (State) VA (Zip Code) 22201

Daytime telephone number of applicant (703) 559-1996

Fax ()

E-mail address of applicant: noah.bachow@lidl.us

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

**Application
Conditional Rezoning
Page 2**

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant () Fax ()

E-mail address of applicant:

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) (First) (MI)

Mailing address of property owner (Street/P.O. box):

(City) (State) (Zip Code)

Daytime telephone number of owner () email:

Ownership partners are: W. Ashton Lewis, Jr. (President/COO), W. Ashton Lewis, Sr. (Secretary) & F. Lewis Wood (VP)

CIVIC LEAGUE INFORMATION

Civic League contact:

Date(s) contacted:

Ward/Super Ward information:

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: _____ Sign: _____ / _____ / _____
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Noah Bachow Sign: Noah Bachow / ~~7/16~~ / 7/16/2016
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: J. Randall Royal Sign: J. Randall Royal / 7 / 13 / 15
(Authorized Agent Signature) (Date)

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: W. ASHLEY LEWIS, JR Sign: [Signature] 11 13 15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Noah Bachow Sign: [Signature] ~~7/16~~ 7/6/2016
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

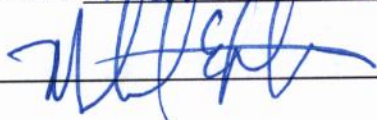
Print name: _____ Sign: _____ / _____ / _____
(Authorized Agent Signature) (Date)

**Noah Bachow – 6420-6440 and 6506 N. Military Highway
Proffered Conditions**

- (a) The site shall be developed substantially in accordance with the conceptual site plan attached hereto and marked "Exhibit A," as prepared by Kimley-Horn, dated July 10, 2015, subject to any required revisions made during the City's Site Plan Review and building permit plan review processes. The Planning Director shall have authority to make a determination as to the final site plans' compliance with the proffered preliminary site plan.
- (b) The site shall be developed to substantially reflect the general massing, materials, fenestration and design elements for the north, south, east and west side of the building as shown in the elevations entitled "Exterior Building Elevations," prepared by Little Diversified Architectural Consulting dated February 18, 2015, attached hereto and marked as "Exhibit B," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes. The Planning Director shall have authority to make a determination as to whether any alternate general massing, materials, fenestration and design elements still meet the intent of the originally proffered elevations.
- (c) Street trees or similar landscaping shall be installed along the North Military Highway frontage.
- (d) The building shall meet a minimum fenestration requirement (area of ground floor façade that is transparent to a minimum depth of 5 feet into the building) of 40% for the North Military Highway façade, where the primary access is located.
- (e) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the *Zoning Ordinance of the City of Norfolk*, 1992 (as amended), no less than 70% of the glass areas of the ground floor of the building shall be transparent as defined within the *Zoning Ordinance*.
- (f) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the proposed building.
- (g) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

Current Property Owner

Print Name: Michael E. Furber

Sign:  Date: 8/21/15

Applicant/Authorized Agent

Print Name: Noah Balchou

Sign: 

Date: 8/19/15

- PHONE: 757-557-0888 / FAX: 757-416-5351